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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/799,093 | 03/12/2004 | Robert Kagermeier | P04,0070 | 7602 |

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| EXAMINER |
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HOLLOWAY III, EDWIN C

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| ART UNIT | PAPER NUMBER |
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2612

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|---|--|--|
| Office Action Summary | Application No. 10/799,093 | Applicant(s) KAGERMEIER ET AL. | |
| | Examiner Edwin C. Holloway, III | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-30 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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EXAMINER'S RESPONSE

1. In response to applicant's amendment filed 7-24-06, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Drawings

2. The drawings were received on 7-24-06. These drawings are approved.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no proper antecedent basis for "said contact rails" in claims 17 and 25.

Claim Rejections - 35 USC § 102 & 103

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-3, 5-9, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tockweiler (US 6074388). Regarding claims 1-3, 5-9, 11 and 13, Tockweiler discloses a Remote control (14) with support 25 and contact 28 and medical technical device 12 with support rail 24 and contact rail 29 to automatically provide electrical connection for contact or inductively coupled charging the accumulators (20,22) of the remote via charging module 26 in col. 3 lines 1-13 and col. 4 lines 11-15 and 42-54.

7. Claims 4, 10, 12, 14, 16-17, 20, 24-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tockweiler (US 6074388) as applied above in combination with Platte (US 4728949) and Lussi (US 4872657). Platte discloses a remote control that may be placed in a receptacle of a controlled device to provide alignment for communication by optical or wired connection and the controlled device may supply power to charged the battery of the remote by conductive or inductive energy transfer. See col. 5 line 32 - col. 6 line 9. Lussi discloses an operating table with optical remote control in col. 2 lines 49-65. Regarding claims 4 and 10, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to have included optical communication in Tockweiler in view of Platte disclosing optical communication in remote coupled to a controlled device to operate as a stationary device powered by the controlled device and is suggested by Lussi disclosing optical communication for remote control of a medical device. Regarding claims 14, 20 and 28, a patient table would have been obvious in view of Lussi disclosing remote control of an operating table and suggested by Tockweiler including an operating table 31. Regarding claims 12 Tockweiler and Platte disclose coupling power from the controlled device to the remote and low voltage supply would have been obvious the remote control accumulator or batteries are known to be typically low voltage relative the mains power supply. Regarding claims 16 and 24, operating elements on the remote control that can be used when attached to the support and contact rails would have been obvious in view of Platte to allow the controlled device to not have any, or only a few, operating and display elements (col. 5 lines 32-62). Regarding claims 17- and 26, sliding into contact rails would have been obvious in view of Platte disclosing the remote control with a strip of plugs that plug or slide into a strip of outlets in a receptacle of the controlled device for communicating signals and/or power when attached to the receptacle (col. 5 line 50 - col. 6 line

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4).

8. Claims 15, 21, 23 and 29 are rejected under 35 U.S.C.

103(a) as being unpatentable over Tockweiler (US 6074388) as applied above in combination with Welling (US006611979B2).

Regarding claims 15 and 23, Welling discloses an analogous art remote control 986/1476 with a support having a semicircular depression 996/1492 that is open at the button and can engage around surface 1010/1510 of support rail 954/1506 of the technical device in fig. 77 and 102. Regarding claims 21 and 29, the configuration discussed above allows the remote control to be slid along the length of the rail to any arbitrary position that is convenient to the user while avoiding interference with other components. See figs. 76-78, 102, col. 7 lines 33-36, cols. 38-40 and 56-57. Alternative control by foot is shown in fig. 15 and wireless control is disclosed in cols. 37-38. Regarding claims 15, 21, 23 and 29, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the support and support rail limitations of Welling as discussed above for user convenience and avoiding interference with other components.

9. Claims 18-19, 22, 26-27 and 30 are rejected under 35 U.S.C.

103(a) as being unpatentable over Tockweiler (US 6074388) as

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applied above in combination with Roberts (US005900715A).

Roberts discloses an analogous art portable unit recharging rack with contact rails (36.38) to allow contact of the portable device at an arbitrary position along the entire length of the contact rail so that rechargeable devices may be placed anywhere along the rack. Contact is maintained no matter how the device is situated, such as on a ceiling, wall or support. See col. 1 lines 41-65, col. 2 lines 53-64 and col. 3 lines 14-22.

Regarding claims 22 and 30, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the remote control and technical device of Tockweiler, contact of the portable device at an arbitrary position along the entire length of the contact rail as disclosed in Roberts so that the rechargeable device may be placed anywhere along the rack instead of a fixed receptacle.

Regarding claims 18 and 26, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the contact rail on the underside of the technical device because Roberts teaches the contact rail attached in any relative position, such as to a ceiling that corresponds to an underside that is suggested by the contact of Tockweiler shown relatively poisoned at the bottom of the receiver. Regarding Claims 19 and 27, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have included moving onto contact rail from below in view of the remote control of Tockweiler making contact from below and the ceiling attachment of Roberts providing attachment from below, or any relative position.

Response to Arguments

10. Applicant's arguments filed 7-24-06 have been fully considered but they are not persuasive and/or are moot in view of the new grounds of rejection.

Applicant's arguments regarding claims 1 and 7 are not persuasive because claims 1 and 7 do not require the argued limitations. Support at any arbitrary position of the support rail, electrical connection at any arbitrary position of the contract rail, use of the remote control while attached, and contact rail on the underside are not in claims 1 and 7. Claims 1-30 are not patentable for the reasons stated in the above rejections.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bock (US 4926456) and Kagermeier (US007079022B2) disclose tables with slidable controller. Gomersall discloses a display module that snaps into shelf rails for power and data.

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12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 571-272-4100 or toll free at 1-866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The

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Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.


Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308.

EH
10/15/06


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
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